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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,506

Applicant(s)

BARKER ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-58 are presented for examination with claims 1, 34, and 48 independent.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 7, 9-14, 19, 32-39, 42, 45, and 47-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (USPN 6,188,973) (hereinafter Martinez).

3. Referring to claim 1, Martinez discloses an integrated information system including a central server in communication with two or more geographically distinct sites (the Office takes the term "geographically distinct sites" to be "not occupying the same housing, such as the two cabinets disclosed in Figure 1, ref. 22 x 4 cabinets) the method comprising:

obtaining monitoring device data (i.e. attribute and status data of the components installed in a particular shelf, as well as environmental operating conditions) from the at two or more geographically distinct sites, wherein the monitoring device data corresponds to at least one monitoring device at each geographically distinct site (i.e. EMU 28) (col. 5, lines 12-25);

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obtaining one or more monitoring rules (i.e. warning or shutdown set point value) corresponding to the at least one monitoring device (col. 11, lines 28-40);

processing the monitoring device data according to the monitoring rules (col. 11, lines 28-40); and

generating an output (i.e. a warning signal) corresponding to the processing of the monitoring device data, wherein the output may include no output (col. 11, lines 28-40).

4. Referring to claim 2, Martinez discloses processing the monitoring device data according to the rules includes determining whether the monitoring device data exceeds the rule threshold (col. 11, lines 28-40).

5. Referring to claim 3, Martinez discloses comprising characterizing the monitoring device data as asset data, resource data or event data (the data must be characterized since thresholds pertaining to a temperature alarm setting would not be useful for a CPU fan sensor threshold data);

wherein asset data (i.e. blower RPM from power supply) includes data from an identifiable object that is not capable of independent action (e.g. Figure 6, ref. Power Supply 1);

wherein resource data (disk drive operational status) includes data from an identifiable object that is capable of independent action (such as acting as a server) (col. 9, lines 1-15); and

wherein event data (i.e. status lights) includes data from a device having a defined state (such as on or off) (col. 9, lines 1-15).

6. Referring to claim 7, Martinez discloses the device rules establish a state threshold for a rule violation, and determining whether the monitoring device data indicates a particular state (i.e. warning threshold or critical threshold) (col. 11, lines 30-40).

7. Referring to claim 9, it is an inherent feature of the invention that the monitoring device data must somehow identify the monitoring device, otherwise it would be undeterminable as to what device this monitoring data pertains to, and would not be able to figure out if the incoming data is temperature, or humidity, or a smoke alarm status.

8. Referring to claims 10-13, it is an inherent feature of the invention that the identifying data is compared against a database of known assets and resources since the thresholds for all the sensed conditions are stored in the database and they must be matched up somehow in order for the program to check the readings against the thresholds, therefore there must be some way to correlate the thresholds to the measured readings.

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9. Referring to claim 14, Martinez discloses generating an output includes generating a communication (i.e. a warning signal passed to the GUI) to one or more designated users (col. 17, lines 20-23).

10. Referring to claim 19, Martinez discloses generating an output includes initiating an action (i.e. generating a warning) (col. 11, lines 30-40).

11. Claims 32-39, 42, 45, and 47-58 are rejected for similar reasons as stated above. Furthermore Martinez discloses the premises servers (i.e. EMU units are connected parallel to each other (Figure 1) and that the premises servers transmit monitoring device data to the central processing server col. 8, line 59 to col. 9, line 20).

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4-6, 15-18, 20-22, 24, 25, 40, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Fowler et al. (USPN 6,714,977) (hereinafter Fowler).

13. Referring to claims 4 and 5, Martinez discloses the invention substantively as described in claim 3. Martinez does not specifically state the monitoring device data is

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characterized as asset and device data. In analogous art, Fowler furthermore discloses numerous thresholds characterized as asset or resource or device data, however not asset and device data or resource and device data. However it is seen in Figure 17 that the smoke alarm is a device, but is also incapable of independent action (i.e. it is only designed to monitor to see if there is smoke or not), and therefore could be characterized as an asset data as well. It is seen that resource data for the term "Data Lines Up?" is capable of independent action (i.e. transmitting data across lines) however has a defined state (on/off) and therefore could be furthermore characterized as event data. By this rationale It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Fowler to include characterizing thresholds as asset and device data or resource and device data in order to furthermore facilitate the description of the data to the user, thereby increasing understanding as to what the device is specifically doing. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

14. Referring to claim 6, Martinez discloses the invention substantively as described in claim 3. Martinez does not specifically disclose obtaining asset, resource, and device

rules if the data is characterized as asset, resource, and event data. In analogous art, Fowler discloses obtaining one or more rules (i.e. thresholds) corresponding to the at least one monitoring device includes:

- obtaining asset rules (i.e. temperature or humidity thresholds) if the monitoring device data is characterized as asset data (col. 17, lines 8-15);

- obtaining resource rules (i.e. router or server threshold rules) if the monitoring device data is characterized as resource data (Figure 17; col. 17, lines 8-38);

- obtaining device rules if the monitoring device data is characterized as device data (col. 3, lines 25-26).. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

15. Referring to claims 15-17, Martinez discloses the invention substantively as described in claim 14. Martinez does not specifically disclose obtaining a schedule of preferred notification methods and selecting a notification method from the schedule. IN analogous art, Fowler discloses obtaining a schedule of preferred notification methods (i.e. primary and secondary email addresses, pager numbers, etc.) and selecting a notification method from the schedule of notification methods (col. 17, lines 16-29).

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Fowler does not specifically state the notification methods are based on a time of day and each person is associated with a schedule of preferred notification methods.

"Official Notice" is taken that both the concept and advantages of providing for maintaining a schedule of preferred notification methods based on a time of day and preferred notification methods for each designated user is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to provide for maintaining a schedule of preferred notification methods based on a time of day and preferred notification methods for each designated user to cater to each designated user's technology habits and to better assist the users to get the required information to the right people at the right time, thereby increasing customer service and reducing wait time for the system. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

16. Referring to claim 18, Martinez discloses the invention substantively as described in claim 14. Martinez does not disclose generating a communication includes generating a wireless communication. In analogous art, Fowler discloses generating a communication includes generating a wireless communication to a designated user (i.e.

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email-enabled cell phone) (col. 17, lines 23-29). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

17. Referring to claims 20 and 21, Martinez discloses the invention substantially as described in claim 19. Martinez does not specifically disclose activating a physical device or an output in a tangible medium. IN analogous art, Fowler discloses the action includes activating a physical device within a monitored premises (illuminating an "out of limits" LED on the faceplate of the device) (Figure 11-12D; col. 12, line 49 to col. 13, line 9). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

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18. Referring to claim 22, Martinez in view of Fowler disclose the invention as described in claim 20. Fowler, furthermore, discloses the physical device is an audible alarm (col. 15, lines 13-16). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

19. Referring to claim 24, Martinez in view of Fowler disclose the invention as described in claim 20. Fowler, furthermore, discloses processing one or more additional monitoring device rules prior to generating an output (i.e. all the rules and thresholds for all devices are executed before the web page was generated (Figure 17). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

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20. Referring to claim 25, Martinez and Fowler discloses the invention substantially as described in the claims above. Martinez and Fowler does not specifically state including a network access monitor which identifies users logged into a computer network. "Official Notice" is taken that both the concept and advantages of providing for a network access monitor to identify users on a network is well known and expected in the art. It would have been obvious to one of ordinary skill to include a network access monitor to the system of Fowler to restrict access to the website such that malicious users will not be able to access the information, possibly compromising security and breaching protocols. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

21. Claims 40, 41, and 43, are rejected for similar reasons as stated above.

Claims 8, 23, 26, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Fowler in view of Xin (USPN 6,429,893).

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22. Referring to claim 8, it is an inherent feature to any motion detector that there must be a lower limit threshold to flag an alert (such as a person walking by, not a piece of paper blowing in the wind). Therefore it is understood that there must be a rule which states the lower limit threshold (i.e. how much movement there must be in order to detect motion) installed into the motion detector 29.

23. Referring to claims 23, and 44, Martinez in view of Fowler discloses the invention substantively as described in the claims as stated above. Martinez in view of Fowler does not specifically disclose the physical device is a microphone and speaker assembly. In analogous art, Xin discloses an integrated sensory security network, wherein an output of the rules activates a microphone and speaker assembly (e.g. abstract; Figures 1-5). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Xin with Fowler and Martinez to easily allow the homeowner to communicate orally with a person who approaches a door, thereby increasing security around the house as well as setting the homeowners mind at ease as supported by Xin (abstract).

24. Referring to claim 26, Martinez in view of Fowler discloses the invention substantively as described in the claims above. Fowler furthermore discloses setting up a movement sensor (i.e. door sensor) to determine when someone has entered the server room and to snap a picture a predetermined time later (usually one second) to furthermore enhance security of the server room to determine who has entered the

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room (col. 4, lines 19-29) however does not specifically identify whether an individual has passed through a monitored area. Xin discloses a video monitoring system which is keyed on motion sensor wherein if an individual enters the field of the sensor, the video camera is triggered and starts capturing video (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Xin with Fowler and Martinez to easily allow the homeowner to communicate orally with a person who approaches a door, thereby increasing security around the house as well as setting the homeowners mind at ease as supported by Xin (abstract).

Claims 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Fowler in view of Xin in view of Burger (USPN 6,219,439).

25. Referring to claim 27, Martinez in view of Fowler in view of Xin discloses the invention substantively as described in claim 26. Martinez in view of Fowler in view of Xin does not specifically disclose capturing data identifying a particular individual passing through the monitored area. In analogous art, Burger discloses another security system wherein data (i.e. from the smart-card and a biometric identification such as a fingerprint) is captured and logged which identifies the individual (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Xin, Fowler, and Martinez to provide security to a monitored area which prevents "hacking" or other unauthorized

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access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

Claims 28-31, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez in view of Fowler in view of Burger.

26. Referring to claims 28-30, Martinez in view of Fowler discloses the invention substantively as described in the claims above. Martinez in view of Fowler does not specifically disclose the one monitoring device includes a number of monitoring devices and wherein the monitoring device data includes data identifying the location of individuals within a premises. Burger discloses another security monitoring system wherein the one monitoring device includes a number of monitoring devices (the biometric housing contains a biometric sensor to obtain the biometric data, and furthermore contains a sensor to determine when a card has been inserted into the housing unit) and wherein the monitoring device data includes data identifying the location and identities of individuals within a premises (all data is logged to grant access to the individual) and can furthermore generate an output dedicated to a particular individual within the premises (flag an alert to a supervisor when someone enters or exits through a particular door) (e.g. abstract; col. 7, lines 28-45). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Fowler and Martinez to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process

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and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

27. Referring to claim 31 and 46, Martinez in view of Fowler discloses the invention substantively as described in claim 1. Martinez in view of Fowler does not specifically disclose obtaining monitoring device data from a distributed communication network. Burger discloses there could be hundreds of doors connected to a single gateway by a network (it would be conceivable by one of ordinary skill in the art that hundreds of doors might not be connected by one single network, and may be distributed over a number of buildings, and therefore could be connected by the Internet as well) (col. 7, lines 13-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Fowler and Martinez to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

Response to Amendment

28. Applicant's arguments filed October 24, 2005 have been fully considered but they are not persuasive.

29. Applicant argues, in substance, that (1) Martinez does not teach processing the monitoring device data at the central server.

30. As to point (1) the Office respectfully disagrees. Applicant's attention is directed to col. 7, lines 10-20 of Martinez. Applicant will appreciate that Martinez's EMU passes monitored information to the GUI 36 and PC/server 32 through the communication link 38 *for processing by the GUI 36*. This information is evaluated by the GUI by the monitoring rules (i.e. whether to change the display and how) and then an output is generated (i.e. the warning signal). This rule is not evaluated by the EMU since the EMU is merely a gateway for the devices and monitors environmental conditions of the shelf. This clearly shows that the information is processed by the central server (i.e. the PC 32 running the GUI 36). By this rationale, the rejection is maintained.

Conclusion

31. This is a Request for Continued Examination of Application No. 09/825,506. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Applicant has failed to seasonably challenge the Examiner's assertions of well-known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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JEA

November 4, 2005



**WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER**